REMARKS

Claims 1, 2, and 8 are pending in this application. Claims 3-4, 6-7, 11, 13-15, 17-21, 73-75, and 77-88 were previously withdrawn from consideration.

Claim 1 has been amended to recite "X^1, X^2, Y^1, and Y^2 comprises, independently, hydrogen, fluorine, a hydroxyl group, a branched or straight chain C_1 to C_{25} alkyl group, OR^2, ~~$OCH_2CH_2OR^2$~~, $OC(O)R^3$, or $NC(O)R^3$ . . . ."

Applicants respectfully request the Examiner to continue her search of claim 1 as well as dependent claims 2-21. Applicants also request method claims 73-75 and 77-88 be rejoined and allowed upon the allowance of claim 1.

Rejection under 35 U.S.C. § 102

35 U.S.C. § 102(a) Xu *et al.*

The Office Action asserts that the journal article "Synthesis of Chiral (α,α-Difluroalkyl)phosphonate Analogues of (Lyso)phosphatidic Acid via Hydrolytic Kinetic Resolution" *Org. Lett.*, Vol. 4, No. 23, pgs. 4021-4024 co-authored by Glenn Prestwich and Yong Xu (hereinafter "the Xu article") is prior art under 35 U.S.C. § 102(a). Claim 1 has been amended to recite "X^1, X^2, Y^1, and Y^2 comprises, independently, hydrogen, fluorine, a hydroxyl group, a branched or straight chain C_1 to C_{25} alkyl group, OR^2, ~~$OCH_2CH_2OR^2$~~, $OC(O)R^3$, or $NC(O)R^3$ . . . ." In view of the amendment to claim 1, Lian Qian has been removed as a co-inventor under 37 CFR § 1.48(b). Therefore, the authors of the Xu article and the inventors of the present invention are the same. In other words, the statutory requirement of "known or used by others" as recited in 35 U.S.C. § 102(a) is not satisfied. (*See* M.P.E.P. 2132, where "others" as recited in 35 U.S.C. § 102(a) means any combination of authors or inventors different than the inventive entity.) In view of the amendment of inventorship, the Xu article is not prior art under 35 U.S.C. § 102(a). Therefore, the rejection is moot and should be withdrawn.

Rejections under 35 U.S.C. § 103

The Office Action has maintained that claims 1, 2, 8, and 66 would have been obvious under 35 U.S.C. 103(a) over Xu *et al.* in view of Patani *et al.* further in view of Halazy *et al.* As discussed above, Xu *et al.* does not qualify as a prior art reference. Since the primary reference relied upon for the obviousness rejection does not qualify as a prior art, the rejection is rendered moot. Therefore, applicants respectfully request the rejection be withdrawn.

CONCLUSION

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

The fee in the amount of $535.00 ($405.00 for the Request for Continued Examination and $130.00 for the Request to Remove Co-Inventor) has been filed electronically. No additional fee is believed to be due; however, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-1513.

Respectfully submitted,

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